

17. (NEW) The data controller of claim 16, wherein the transfer extend generator is coupled to the buffer memory to store the transfer extend entries.

18. (NEW) The data controller of claim 3, wherein the command queuing engine includes a data retrieval channel.

19. (NEW) The data controller of claim 18, wherein the command queueing engine further includes a status retrieval channel.

20. (NEW) The data controller of claim 18, wherein the data retrieval channel is coupled to the buffer memory to retrieve transfer extend entries and to return used read pointers.

IN THE DRAWINGS

FIG. 4 has been amended to correct housekeeping which may otherwise be objectionable. A corrected FIG. 4 is submitted with corrections in red ink for Examiner review and approval. As such, no new matter has been added.

R E M A R K S

Careful review and examination of the subject application are noted and appreciated.

The specification has been amended to correct housekeeping which may otherwise be objectionable. As such, no new matter has been added.

SUPPORT FOR CLAIM AMENDMENTS

Support for the amendment to the claims may be found, for example, in FIGS. 1-3 as originally filed and, for example, on pages 1-6 of the specification, as originally filed. Support for new claims 5-20 may be found, for example, in FIGS. 1-4 as originally filed and, for example, on pages 1-12 of the specification, as originally filed. As such, no new matter has been added.

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Applicants' representative elects with traverse claim 3, group III. Furthermore, the amendments to the claims appears to obviate the restriction requirement. In any event, Applicants' representative respectfully requests that the restriction requirement be reconsidered and withdrawn.

[A]n application may properly be required to be restricted to one of two or more claimed inventions only if they are able to support separate parents and they are either independent or distinct (MPEP §803, first paragraph). Group I, claim 1, group II, claim 2, group III, claim 3, and group IV, claim

4 do not appear to support separate parents. Groups I-IV (claims 1-4) are directed to a single apparatus, a data controller. As such, the restriction requirement should be withdrawn.

Group I, claim 1, group II, claim 2, group III, claim 3, and group IV, claim 4 are clearly not separate groups. The Examiner has asserted classification of claim 1 in class 709, subclass 220, claim 2 in class 710, subclass 5, claim 3 in class 709, subclass 100, and claim 4 in class 710, subclass 48 (see Election/Restriction on page 2, paragraph 1), which Applicants' representative respectfully traverses. Claims 1-4 are each directed to a data controller. Claims 1-4 are directed to various embodiments of the data controller. As such, the distinctness asserted by the Examiner does not exist and the restriction requirement should be withdrawn.

Furthermore, the Examiner has asserted that each group is separately usable (has separate utility) subcombination from the other groups, which Applicants' representative respectfully traverses, and thus are distinct (see Election/Restriction on page 2, paragraphs 2-7). However, [t]he term "distinct" means that two or more subjects as disclosed are related, for example, as combination and part (subcombination) thereof, process and apparatus for its practice, process and product made, etc., but are capable of separate manufacture, use, or sale as claimed (MPEP §802.01). Even assuming, *arguendo*, which Applicants'

representative does not concede, groups I-IV have separate utilities, mere separate utilities alone does not define "distinctness." Two or more subjects must be disclosed. Claims 1-4 are directed to a single subject, a data controller, not two or more subjects. As such, groups I-IV (claims 1-4) are not distinct and the restriction requirement should be withdrawn.

Furthermore, [i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent and distinct inventions (MPEP §803, second paragraph). The Examiner has failed to provide evidence that examination of the entire pending application would be a serious burden. As such, the restriction requirement should be withdrawn.

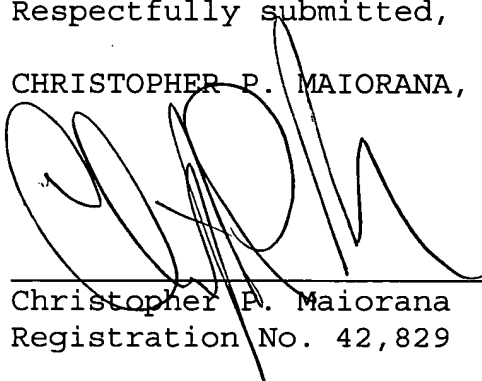
Accordingly, the present application is in condition for allowance. Early and favorable action by the Examiner is respectfully solicited.

The Examiner is respectfully invited to call the Applicants' representative at 810-498-0670 should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge our office
Account No. 50-0541.

Respectfully submitted,

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Dated: October 12, 2000

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Docket No.: 98-179/1496.00065